

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

THOMAS LEE SMALLS,)	
)	
Plaintiff,)	
)	Civil Action No.: 3-08-cv-0530
vs.)	
)	
VANDERBILT MORTGAGE AND)	
FINANCE, INC.,)	JUDGE ECHOLS
)	Magistrate Judge Bryant
Defendant.)	
<hr style="width:40%; margin-left:0"/>)	

**PLAINTIFF THOMAS LEE SMALLS' MOTION FOR
VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Plaintiff Thomas Lee Smalls herby moves this Court for an Order of Voluntary Dismissal Without Prejudice of Plaintiff's case against Vanderbilt Mortgage and Finance, Inc., currently pending in this Court. The grounds for Plaintiff's Motion for Voluntary Dismissal Without Prejudice are stated more fully in Plaintiff's Memorandum of Law in support of Motion for Voluntary Dismissal Without Prejudice.

Respectfully submitted,

/s/ Hugh C. Howser, Jr.

Hugh C. Howser, Jr., #2415

Mark Smith, #16908

Mary Ellen Morris, #13356

Miller & Martin PLLC

1200 One Nashville Place

150 Fourth Avenue, North

Nashville, Tennessee 37219

(615) 744-8520

(615) 744-8660 (fax)

hhowser@millermartin.com

msmith@millermartin.com

memorris@millermartin.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2008, a true and correct copy of the foregoing was served on the parties listed below via U.S. first-class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party.

Samuel T. Bowman
Baker, Donelson, Bearman,
Caldwell & Berkowitz, P.C.
Commerce Center, Suite 1000
211 Commerce Street
Nashville, TN 37201
sbowman@bakerdonelson.com

B. Rush Smith III
Nelson Mullins Riley & Scarborough LLP
1320 Main Street, 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
rush.smith@nelsonmullins.com

MILLER & MARTIN PLLC

By: /s/ Hugh C. Howser, Jr.